

## **REMARKS**

### **Claim Amendments**

In an effort to move this case forward, Applicants presently amend claims 1, 7, 12, 13, 19, 25, and 32 in this Response and cancel claims 18, 24, and 30. Independent claims 1, 13, and 32 now include limitations previously recited in claim 18, now cancelled. Independent claims 7 and 19 now include limitations previously recited in claim 24, now cancelled. Independent claims 12 and 25 now include limitations previously recited in claim 30, now cancelled. Although Applicants have amended claims 1, 7, 12, 13, 19, 25, and 32 to include additional limitations, Applicants do not concede that claims 1, 7, 12, 13, 19, 25, and 32 as originally filed are not patentable over the art cited by the Office Action. In fact, Applicants reserve the right to pursue these originally filed claims in one or more continuation applications. Applicants submit that these amendments do not introduce any new matter and submit that the claims as currently amended are in condition for allowance.

### **Claim Rejections**

Claims 1-4, 6-10, 12, and 31-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Harris (U.S. Patent 6,535,582 B1). As will be shown below, Harris, does not anticipate a method, system, or computer product, as claimed in the present application. Claims 1-4, 6-10, 12, and 31-32 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually below and request reconsideration of claims 1-4, 6-10, 12, and 31-32.

Claims 1-3, 7-9, and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Juitt (U.S. Patent 7,042,988 B2). As will be shown below, Juitt, does not anticipate a method, system, or computer product, as claimed in the present application. Claims 1-3, 7-9, and 12 are therefore patentable and should be allowed. Applicants respectfully

traverse each rejection individually below and request reconsideration of claims 1-3, 7-9, and 12.

Claims 1-2, 7-8, and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bajwa (U.S. Publication No. 2007/0058787 A1). As will be shown below, Bajwa, does not anticipate a method, system, or computer product, as claimed in the present application. Claims 1-2, 7-8, and 12 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually below and request reconsideration of claims 1-2, 7-8, and 12.

Claims 1-14, 17-20, 23-26, and 29-32 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Farris, (U.S. Patent 6,122,357) in view of Bajwa (U.S. Publication No. 2007/0058787 A1). As will be shown below, neither Farris nor Bajwa, either alone or in combination, teaches or suggests a method, system, or computer product, as claimed in the present application. Claims 1-14, 17-20, 23-26, and 29-32 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 1-14, 17-20, 23-26, and 29-32.

Claims 15-16, 21-22, and 27-28 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Farris, (U.S. Patent 6,122,357) in view of Bajwa (U.S. Publication No. 2007/0058787 A1) in further view of Rozenblit (U.S. Patent 5,832,072). As will be shown below, neither Farris nor Bajwa, either alone or in combination with Rozenblit, teaches or suggests a method, system, or computer product, as claimed in the present application. Claims 15-16, 21-22, and 27-28 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 15-16, 21-22, and 27-28.

### **Claim Rejections – 35 U.S.C. § 102 Over Harris**

Claims 1-4, 6-10, 12, and 31-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Harris (U.S. Patent 6,535,582 B1). To anticipate claim 1-4, 6-10, 12, and 31-32 under 35 U.S.C. § 102(e), two basic requirements must be met. The first requirement of anticipation is that Harris must disclose each and every element and limitation as set forth in the Applicants' claims. The second requirement of anticipation is that Harris must enable Applicants' claims. Harris does not meet either requirement and therefore does not anticipate Applicants' claims.

#### **Harris Does Not Disclose Each and Every Element Of Claim 1 Of The Present Application**

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Independent claim 1 of the present application, as amended in this Response, recites:

1. A method for specifying telephone services for a particular caller, comprising:
  - detecting a call initiation condition from an origin device at a trusted telephone network;
  - brokering a connection between said origin device and an external server enabled to perform a caller identity authentication service;
  - responsive to receiving, from said external server, an authenticated caller identity of a caller utilizing said origin device, specifying services available to said caller according to said authenticated caller identity; and

responsive to said authenticated caller identity indicating a lack of identity, automatically initiating recording of said call.

As explained in more detail below, Harris does not disclose each and every element of claim 1, and Harris therefore cannot be said to anticipate the claim of the present application within the meaning of 35 U.S.C. § 102(e).

**Harris Does Not Disclose Responsive To Said Authenticated  
Caller Identity Indicating A Lack Of Identity,  
Automatically Initiating Recording Of Said Call**

The Office Action does not state that Harris discloses the fourth element of claim 1, as amended in this Response: responsive to said authenticated caller identity indicating a lack of identity, automatically initiating recording of said call. Applicants respectfully note that at no point in the reference does Harris disclose recording a call in response to an authenticated caller identity indicating a lack of identity, as claimed in the present application. Harris instead discloses that if the voice verification system is unable to match the caller's voice, the user is either asked to try again, denied access to the server provider's system, or at the option of the service provider, the user can be switched to an operator for further action. (*See Harris, column 3, lines 48-52*). Harris does not disclose recording the call if the voice verification system is unable to match the caller's voice. In fact, at no point in the reference does Harris mention 'recording a call' or even the topic of 'recording'. Because Harris discloses in response to the voices not matching, asking the user to try again, denying the user access to the server, or switching the user to an operator for further action – not recording the call, Harris does not disclose the fourth element of claim 1. Because Harris does not disclose each and every element and limitation of Applicants' claims, Harris does not anticipate Applicants' claims, and the rejections under 35 U.S.C. § 102(e) should be withdrawn.

**Harris Does Not Disclose Each and Every Element  
Of Claim 31 Of The Present Application**

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Independent claim 31 recites:

31. A method for controlling caller identification, comprising:

receiving, from a trusted telephone network, an authenticated caller identity for a caller at a telephony device, wherein said caller identity is authenticated at a authentication service accessible via a network external to said trusted telephone network, wherein said trusted telephone network initiates said authentication service; and

controlling output of said authenticated caller identity from said telephony device, such that an individual with access to said telephony device is informed of the identity of said caller.

As explained in more detail below, Harris does not disclose each and every element of claim 31, and Harris therefore cannot be said to anticipate the claim of the present application within the meaning of 35 U.S.C. § 102(e).

**Harris Does Not Disclose Controlling Output Of Said  
Authenticated Caller Identity From Said Telephony Device,  
Such That An Individual With Access To Said Telephony  
Device Is Informed Of The Identity Of Said Caller**

The Office Action takes the position that Harris at column 4, lines 43-47, column 6, lines 20-45, column 3, lines 49-50, and column 3, lines 53-56, discloses the second element of claim 31: controlling output of said authenticated caller identity from said telephony device, such that an individual with access to said telephony device is informed of the

identity of said caller. Applicants respectfully note in response, however, that what Harris at column 4, lines 43-47, discloses is:

There is an IVR layer 40 having IVR applications 41. An API layer 42 has APIs 43. A wide area network layer 44 is in this case the Internet in which various Internet service providers (ISP) 45 are used.

In addition, what Harris at column 6, lines 20-45, in fact discloses is:

Application	Comments
Electronic Commerce	Confirm that the customer is authorized to use the account selected.
On Line Financial Services	Confirm that the caller is the actual owner of the account.
Proprietary, Confidential, and Subscriber Websites	Confirm that the caller is the actual owner of the account.
Toll Call and Cellular Service	Confirm that the caller is the valid account holder.
Long Distance Conferencing, International Callback, Phone Cards	Confirm that the caller is the valid account holder.
Telephone and Internet Purchasing	Confirm that the user is authorized to purchase goods and services
Telecommuters	Confirm that the caller is the actual employee of the account
On Line Learning	Confirm that the registered student is the person taking the exam
Home Health Care	Confirm that the actual health care provider is at their assigned location
Offender Tracking	Confirm that the parolee/probationer is at the location assigned by the court
On Line Unemployment Insurance	Confirm location and identity of the person requesting benefits.
On Line Welfare Benefits	Confirm location and identity of the person requesting benefits.

In addition, what Harris at column 3, lines 49-50, in fact discloses is:

If the voices do not match, the user is either asked to try again or is denied access to the service provider's system. At the option of the service provider, users whose voices do not match can be switched to an operator for further action.

In addition, what Harris at column 3, lines 53-56, in fact discloses is:

In addition to confirming user identity, service provider systems may offer spoken menu selection choices which are sent to the service provider with confirmation of user identity.

That is, Harris at column 4, lines 43-47, column 6, lines 20-45, column 3, lines 49-50, and column 3, lines 53-56, discloses interactive voice response applications that may offer spoken menu selection choices which are sent to the service provider with confirmation of user identity. Harris's interactive voice response applications that may offer spoken menu selection choices which are sent to the service provider with confirmation of user identity do not disclose controlling output of said authenticated caller identity from said telephony device, such that an individual with access to said telephony device is informed of the identity of said caller, as claimed in the present application. Harris's 'service provider' is not an individual with access to said telephone device. As claimed in the present application, an individual with access to said telephone device, is an individual with access to the telephone that the caller used. In contrast, Harris does not disclose that the service provider has access to the telephone that the caller used. Because Harris's service provider does not have access to the telephone that the caller used, Harris's service provider is not an individual with access to said telephone device. Because Harris's service provider is not an individual with access to said telephone device, Harris does not disclose the second element of claim 31. Because Harris does not disclose each and every element and limitation of Applicants' claims, Harris does not anticipate Applicants' claims, and the rejections under 35 U.S.C. § 102(e) should be withdrawn.

**Harris Does Not Disclose Each and Every Element  
Of Claim 32 Of The Present Application**

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Independent claim 32 of the present application, as amended in this Response, recites:

32. A method for controlling a call, comprising:

receiving, at a telephony device, a secure communication channel via a trusted telephone network to an authentication service provided by an external server, wherein said trusted telephone network initiates said authentication service;

facilitating, from said telephony device, communications between said authentication service and a caller, such that said authentication service is enabled to authenticate an identity of said caller; and

responsive to an authenticated caller identity indicating a lack of identity, automatically initiating recording of said call.

As explained in more detail below, Harris does not disclose each and every element of claim 32, and Harris therefore cannot be said to anticipate the claim of the present application within the meaning of 35 U.S.C. § 102(c).

**Harris Does Not Disclose Responsive To Said Authenticated  
Caller Identity Indicating A Lack Of Identity,  
Automatically Initiating Recording Of Said Call**

The Office Action does not state that Harris discloses the third element of claim 32, as amended in this Response: responsive to said authenticated caller identity indicating a lack of identity, automatically initiating recording of said call. Applicants respectfully note that at no point in the reference does Harris disclose recording a call in response to an authenticated caller identity indicating a lack of identity, as claimed in the present application. Harris instead discloses if the voice verification system is unable to match the caller's voice, the user is either asked to try again, denied access to the server provider's system, or at the option of the service provider, the user can be switched to an operator for further action. (*See Harris, column 3, lines 48-52*). Harris does not disclose recording the call in response if the voices do not match. In fact, at no point in the



reference does Harris mention ‘recording a call’ or even the topic of ‘recording’.

Because Harris discloses in response to the voices not matching, asking the user to try again, denying the user access to the server, or switching the user to an operator for further action – not recording the call, Harris does not disclose the third element of claim 32. Because Harris does not disclose each and every element and limitation of Applicants’ claims, Harris does not anticipate Applicants’ claims, and the rejections under 35 U.S.C. § 102(e) should be withdrawn.

### **Harris Does Not Enable Each And Every Element Of The Claims Of The Present Application**

Not only must Harris disclose each and every element of the claims of the present application within the meaning of *Verdegaal* in order to anticipate Applicants’ claims, but also Harris must be an enabling disclosure of each and every element of the claims of the present application within the meaning of *In re Hoeksema*. In *Hoeksema*, the claims were rejected because an earlier patent disclosed a structural similarity to the Applicant’s chemical compound. The court in *Hoeksema* stated: “We think it is sound law, consistent with the public policy underlying our patent law, that before any publication can amount to a statutory bar to the grant of a patent, its disclosure must be such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention.” *In re Hoeksema*, 399 F.2d 269, 273, 158 USPQ 596, 600 (CCPA 1968). The meaning of *Hoeksema* for the present case is that unless Harris places Applicants’ claims in the possession of a person of ordinary skill in the art, Harris is legally insufficient to anticipate Applicants’ claims under 35 U.S.C. § 102(b). As explained above, Harris does not disclose each and every element and limitation of independent claims 1, 31, and 32 of the present application. Because Harris does not disclose each and every element and limitation of the independent claims, Harris cannot possibly place the elements and limitations of independent claims 1, 31, and 32 in the possession of a person of ordinary skill in the art. Harris cannot, therefore, anticipate claims 1, 31, and 32 of the present application.

### **Relations Among Claims**

Independent claims 7 and 12 are system and computer program product claims, respectively, for specifying telephone services for a particular caller corresponding to independent method claim 1. Claims 1, 31, and 32 are allowable for the reasons set forth above. Claims 7 and 12 are allowable for the same reasons that claim 1 is allowable. The rejections of claims 7 and 12 therefore should be withdrawn, and claims 7 and 12 should be allowed.

Claims 2-6, 8-11 depend respectively from independent claims 1 and 7. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because Harris does not disclose or enable each and every element of the independent claims, Harris does not disclose or enable each and every element of the dependent claims of the present application. As such, the rejections of claims 2-4, 6, and 8-10 should also be withdrawn, and the claims should be allowed.

### **Claim Rejections – 35 U.S.C. § 102 Over Juitt**

Claims 1-3, 7-9, and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Juitt (U.S. Patent 7,042,988 B2). To anticipate claim 1-3, 7-9, and 12 under 35 U.S.C. § 102(e), two basic requirements must be met. The first requirement of anticipation is that Juitt must disclose each and every element and limitation as set forth in the Applicants' claims. The second requirement of anticipation is that Juitt must enable Applicants' claims. Juitt does not meet either requirement and therefore does not anticipate Applicants' claims.

### **Juitt Does Not Disclose Each and Every Element Of Claim 1 Of The Present Application**

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir.

1987). Independent claim 1 of the present application, as amended in this Response, recites:

1. A method for specifying telephone services for a particular caller, comprising:  
  
detecting a call initiation condition from an origin device at a trusted telephone network;  
  
brokering a connection between said origin device and an external server enabled to perform a caller identity authentication service;  
  
responsive to receiving, from said external server, an authenticated caller identity of a caller utilizing said origin device, specifying services available to said caller according to said authenticated caller identity; and  
  
responsive to said authenticated caller identity indicating a lack of identity, automatically initiating recording of said call.

As explained in more detail below, Juitt does not disclose each and every element of claim 1, and Juitt therefore cannot be said to anticipate the claim of the present application within the meaning of 35 U.S.C. § 102(e).

**Juitt Does Not Disclose Responsive To Said Authenticated  
Caller Identity Indicating A Lack Of Identity,  
Automatically Initiating Recording Of Said Call**

The Office Action does not state that Juitt discloses the fourth element of claim 1, as amended in this Response: responsive to said authenticated caller identity indicating a lack of identity, automatically initiating recording of said call. Applicants respectfully note that at no point in the reference does Juitt disclose recording a call in response to an authenticated caller identity indicating a lack of identity, as claimed in the present

application. Juitt instead discloses if authentication with a file server is not successful, further access to the that file server can be denied. (*See Juitt, column 14, lines 47-50*). Juitt does not disclose recording a call if authentication is unsuccessful. In fact, at no point in the reference does Juitt mention ‘recording a call’ or even the topic of ‘recording’. Because Juitt discloses denying further access to a file server if authentication to that file server is unsuccessful – not recording a call if authenticated caller identity indicates a lack of identity, Juitt does not disclose the fourth element of claim 1. Because Juitt does not disclose each and every element and limitation of Applicants’ claims, Juitt does not anticipate Applicants’ claims, and the rejections under 35 U.S.C. § 102(e) should be withdrawn.

### **Juitt Does Not Enable Each And Every Element Of The Claims Of The Present Application**

Not only must Juitt disclose each and every element of the claims of the present application within the meaning of *Verdegaal* in order to anticipate Applicants’ claims, but also Juitt must be an enabling disclosure of each and every element of the claims of the present application within the meaning of *In re Hoeksema*. In *Hoeksema*, the claims were rejected because an earlier patent disclosed a structural similarity to the Applicant’s chemical compound. The court in *Hoeksema* stated: “We think it is sound law, consistent with the public policy underlying our patent law, that before any publication can amount to a statutory bar to the grant of a patent, its disclosure must be such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention.” *In re Hoeksema*, 399 F.2d 269, 273, 158 USPQ 596, 600 (CCPA 1968). The meaning of *Hoeksema* for the present case is that unless Juitt places Applicants’ claims in the possession of a person of ordinary skill in the art, Juitt is legally insufficient to anticipate Applicants’ claims under 35 U.S.C. § 102(b). As explained above, Juitt does not disclose each and every element and limitation of independent claim 1 of the present application. Because Juitt does not disclose each and every element and limitation of the independent claim, Juitt cannot possibly place the elements and limitations of independent claim 1 in the possession of a person of ordinary skill in the art. Juitt cannot, therefore, anticipate claim 1 of the present application.

### **Relations Among Claims**

Independent claims 7 and 12 are system and computer program product claims, respectively, for specifying telephone services for a particular caller corresponding to independent method claim 1. Claim 1 is allowable for the reasons set forth above. Claims 7 and 12 are allowable for the same reasons that claim 1 is allowable. The rejections of claims 7 and 12 therefore should be withdrawn, and claims 7 and 12 should be allowed.

Claims 2-6, 8-11 depend respectively from independent claims 1 and 7. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because Juitt does not disclose or enable each and every element of the independent claims, Juitt does not disclose or enable each and every element of the dependent claims of the present application. As such, the rejections of claims 2-3 and 8-9 should also be withdrawn, and the claims should be allowed.

### **Claim Rejections – 35 U.S.C. § 102 Over Bajwa**

Claims 1-2, 7-8, and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bajwa (U.S. Patent Publication 2007/0058787 A1). To anticipate claim 1-2, 7-8, and 12 under 35 U.S.C. § 102(e), two basic requirements must be met. The first requirement of anticipation is that Bajwa must disclose each and every element and limitation as set forth in the Applicants' claims. The second requirement of anticipation is that Bajwa must enable Applicants' claims. Bajwa does not meet either requirement and therefore does not anticipate Applicants' claims.

**Bajwa Does Not Disclose Each and Every Element  
Of Claim 1 Of The Present Application**

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Independent claim 1 of the present application, as amended in this Response, recites:

1. A method for specifying telephone services for a particular caller, comprising:
  - detecting a call initiation condition from an origin device at a trusted telephone network;
  - brokering a connection between said origin device and an external server enabled to perform a caller identity authentication service;
  - responsive to receiving, from said external server, an authenticated caller identity of a caller utilizing said origin device, specifying services available to said caller according to said authenticated caller identity; and
  - responsive to said authenticated caller identity indicating a lack of identity, automatically initiating recording of said call.

As explained in more detail below, Bajwa does not disclose each and every element of claim 1, and Bajwa therefore cannot be said to anticipate the claim of the present application within the meaning of 35 U.S.C. § 102(e).

**Bajwa Does Not Disclose Responsive To Said Authenticated  
Caller Identity Indicating A Lack Of Identity,  
Automatically Initiating Recording Of Said Call**

The Office Action does not state that Bajwa discloses the fourth element of claim 1, as amended in this Response: responsive to said authenticated caller identity indicating a lack of identity, automatically initiating recording of said call. Applicants respectfully note that at no point in the reference does Bajwa disclose recording a call in response to an authenticated caller identity indicating a lack of identity, as claimed in the present application. Bajwa instead discloses an authentication service determining that a call should be dropped. (*See Bajwa, paragraph 0022, lines 7-11*). Bajwa does not disclose recording a call if the authentication determines the caller identity indicates a lack of identity. In fact, at no point in the reference does Bajwa mention ‘recording a call’ or even the topic of ‘recording’. Because Bajwa discloses the authentication service dropping a call – not recording a call if the authenticated caller identity indicates a lack of identity, Bajwa does not disclose the fourth element of claim 1. Because Bajwa does not disclose each and every element and limitation of Applicants’ claims, Bajwa does not anticipate Applicants’ claims, and the rejections under 35 U.S.C. § 102(e) should be withdrawn.

**Bajwa Does Not Enable Each And Every Element  
Of The Claims Of The Present Application**

Not only must Bajwa disclose each and every element of the claims of the present application within the meaning of *Verdegaal* in order to anticipate Applicants’ claims, but also Bajwa must be an enabling disclosure of each and every element of the claims of the present application within the meaning of *In re Hoeksema*. In *Hoeksema*, the claims were rejected because an earlier patent disclosed a structural similarity to the Applicant’s chemical compound. The court in *Hoeksema* stated: “We think it is sound law, consistent with the public policy underlying our patent law, that before any publication can amount to a statutory bar to the grant of a patent, its disclosure must be such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention.” *In re Hoeksema*, 399 F.2d 269, 273,

158 USPQ 596, 600 (CCPA 1968). The meaning of *Hoeksema* for the present case is that unless Bajwa places Applicants' claims in the possession of a person of ordinary skill in the art, Bajwa is legally insufficient to anticipate Applicants' claims under 35 U.S.C. § 102(b). As explained above, Bajwa does not disclose each and every element and limitation of independent claim 1 of the present application. Because Bajwa does not disclose each and every element and limitation of the independent claims, Bajwa cannot possibly place the elements and limitations of independent claim 1 in the possession of a person of ordinary skill in the art. Bajwa cannot, therefore, anticipate claim 1 of the present application.

### **Relations Among Claims**

Independent claims 7 and 12 are system and computer program product claims, respectively, for specifying telephone services for a particular caller corresponding to independent method claim 1. Claim 1 is allowable for the reasons set forth above. Claims 7 and 12 are allowable for the same reasons that claim 1 is allowable. The rejections of claims 7 and 12 therefore should be withdrawn, and claims 7 and 12 should be allowed.

Claims 2-6, 8-11 depend respectively from independent claims 1 and 7. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because Bajwa does not disclose or enable each and every element of the independent claims, Bajwa does not disclose or enable each and every element of the dependent claims of the present application. As such, the rejections of claims 2 and 8 should also be withdrawn, and the claims should be allowed.

### **Claim Rejections - 35 U.S.C. § 103 Over Farris In View Of Bajwa**

Claims 1-14, 17-20, 23-26, and 29-32 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Farris, (U.S. Patent 6,122,357) in view of Bajwa (U.S. Patent Publication 2007/0058787 A1). The question of whether Applicants claims are



obvious *vel non* is examined in light of: (1) the scope and content of the prior art; (2) the differences between the claimed invention and the prior art; (3) the level of ordinary skill in the art; and (4) any relevant secondary considerations, including commercial success, long felt but unsolved needs, and failure of other. *KSR Int'l Co. v. Teleflex Inc.*, No. 04-1350, slip op. at 2 (U.S. April 30, 2007). Although Applicants recognize that such an inquiry is an expansive and flexible one, the Office Action must nevertheless demonstrate a *prima facie* case of obviousness to reject Applicants' claims for obviousness under 35 U.S.C. § 103(a). *In re Khan*, 441 F.3d 977, 985-86 (Fed. Cir. 2006). To establish a *prima facie* case of obviousness, the proposed combination of Farris and Bajwa must teach or suggest all of Applicants' claim limitations. *Manual of Patent Examining Procedure* § 2142 (citing *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974)). As shown below in more detail, the proposed combination of Farris and Bajwa cannot establish a *prima facie* case of obviousness because the proposed combination of Farris and Bajwa does not teach each and every element of the claims of the present application. The rejection of claims 1-14, 17-20, 23-26, and 29-32 should therefore be withdrawn and the claims should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 1-14, 17-20, 23-26, and 29-32.

**The Proposed Combination Of Farris And Bajwa  
Does Not Teach Or Suggest Each And Every  
Element Of Claim 1 Of The Present Application**

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103 the reference must teach or suggest all of Applicants' claim limitations. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). Independent claim 1 of the present application, as amended in this Response, recites:

1. A method for specifying telephone services for a particular caller, comprising:

detecting a call initiation condition from an origin device at a trusted telephone network;

brokering a connection between said origin device and an external server enabled to perform a caller identity authentication service;

responsive to receiving, from said external server, an authenticated caller identity of a caller utilizing said origin device, specifying services available to said caller according to said authenticated caller identity; and

responsive to said authenticated caller identity indicating a lack of identity, automatically initiating recording of said call.

As explained in more detail below, the combination of Farris and Bajwa as proposed in the Office Action does not teach or suggest each and every element of claim 1 as claimed in the present application. Applicants therefore respectfully traverse each rejection individually and request that the rejections be withdrawn.

**The Proposed Combination Of Farris and Bajwa Does  
Not Teach Or Suggest Responsive To Said Authenticated  
Caller Identity Indicating A Lack Of Identity,  
Automatically Initiating Recording Of Said Call**

The Office Action takes the position that Farris at column 25, lines 5-32, discloses the fourth element of claim 1, as amended in this Response: responsive to said authenticated caller identity indicating a lack of identity, automatically initiating recording of said call. Applicants respectfully note in response, however, that what Farris at column 25, lines 5-32, in fact discloses is:

If provided, the message states that only a limited class of service is available in view of the problems in recognizing the caller as a known subscriber.

The IP 23 formulates a D-channel signaling message instructing the central office switch 11.sub.1 to process the call in accord with default conditions and transmits that instruction to the central office switch (step S21). The instruction could include a default OE number corresponding to

a default profile, or the message could instruct the switch to proceed using the OE and profile data for the off-hook line itself. The IP 23 supplies the message to the SSP central office switch 11 over the D-channel of the ISDN PRI link (step S21). The administrative module processor 61 resumes call processing using the appropriate default OE and profile.

In the preferred embodiment, the switch provides a normal dial tone (S22), collects dialed digits from the caller (S23) and processes the call (S24). However, the default profile provides only some limited class of service, for example only emergency 911 service or 911 service plus flat rate local calling. The default call processing provides no additional information from the profile corresponding to any particular subscriber, therefore the network processes the call as a normal call for caller ID purposes. The caller ID service will provide only the telephone number to callers having normal caller ID, and the network will access LIDB database 21 to provide name information if any associated strictly with the telephone number, essentially in the manner that the network provides such services when there is no personalized dial tone service involved.

That is, Farris at column 25, lines 5-32, discloses a limited class of service that is available in view of the problems in recognizing the caller as a known subscriber. Farris's limited class of service that is available in view of the problems in recognizing the caller as a known subscriber does not disclose responsive to said authenticated caller identity indicating a lack of identity, automatically initiating recording of said call, as claimed in the present application. Farris discloses the caller's central office limiting the services available to the caller when the caller's central office does not recognize the caller as a subscriber. Farris does not disclose automatically initiating recording of a call placed by a caller whose caller identity indicates a lack of identity, as claimed in the present application. Farris discloses recording a call when the callee's service verifies that a caller's speech *matches* a prohibited caller or when the site of the originating call is prohibited. (*See column 39, lines 8-67*). However, at no point in the reference does Farris disclose automatically recording a call when the caller's identity indicates a *lack of identity*, as claimed in the present application. Because Farris does not disclose automatically initiating recording of a call in response to said authenticated caller identity indicating a lack of identity, Farris does not disclose the fourth element of claim 1. Because the proposed combination of Farris and Bajwa does not teach or suggest each and every element and limitation of Applicants' claims, the proposed combination of

Farris and Bajwa does not establish a prima facie case of obviousness against Applicants' claims, and the rejections should be withdrawn.

**The Proposed Combination Of Farris And Bajwa  
Does Not Teach Or Suggest Each And Every  
Element Of Claim 13 Of The Present Application**

To establish a prima facie case of obviousness under 35 U.S.C. § 103 the reference must teach or suggest all of Applicants' claim limitations. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). Independent claim 13 of the present application, as amended in this Response, recites:

13. A method for informing a callee of a caller identity, comprising:

detecting a call initiation condition from an origin device at a trusted telephone network;

brokering a connection between said origin device and an external server enabled to perform a caller identity authentication service;

responsive to receiving, from said external server, an authenticated caller identity of a caller utilizing said origin device, transferring said authenticated caller identity to a destination device, such that a callee receiving said call at said destination device is provided with an identity of a party originating said call; and

responsive to said authenticated caller identity indicating a lack of identity, automatically initiating recording of said call.

As explained in more detail below, the combination of Farris and Bajwa as proposed in the Office Action does not teach or suggest each and every element of claim 13 of the

present application, as amended in this Response. Applicants therefore respectfully traverse each rejection individually and request that the rejections be withdrawn.

**The Proposed Combination Of Farris and Bajwa Does  
Not Teach Or Suggest Responsive To Said Authenticated  
Caller Identity Indicating A Lack Of Identity,  
Automatically Initiating Recording Of Said Call**

The Office Action takes the position that Farris at column 25, lines 5-32, discloses the fourth element of claim 13, as amended in this Response: responsive to said authenticated caller identity indicating a lack of identity, automatically initiating recording of said call. Applicants respectfully note in response, however, that what Farris at column 25, lines 5-32, in fact discloses is:

If provided, the message states that only a limited class of service is available in view of the problems in recognizing the caller as a known subscriber.

The IP 23 formulates a D-channel signaling message instructing the central office switch 11.sub.1 to process the call in accord with default conditions and transmits that instruction to the central office switch (step S21). The instruction could include a default OE number corresponding to a default profile, or the message could instruct the switch to proceed using the OE and profile data for the off-hook line itself. The IP 23 supplies the message to the SSP central office switch 11 over the D-channel of the ISDN PRI link (step S21). The administrative module processor 61 resumes call processing using the appropriate default OE and profile.

In the preferred embodiment, the switch provides a normal dial tone (S22), collects dialed digits from the caller (S23) and processes the call (S24). However, the default profile provides only some limited class of service, for example only emergency 911 service or 911 service plus flat rate local calling. The default call processing provides no additional information from the profile corresponding to any particular subscriber, therefore the network processes the call as a normal call for caller ID purposes. The caller ID service will provide only the telephone number to callers having normal caller ID, and the network will access LIDB database 21 to provide name information if any associated strictly with the telephone number, essentially in the manner that the network provides such services when there is no personalized dial tone service involved.

That is, Farris at column 25, lines 5-32, discloses a limited class of service that is available in view of the problems in recognizing the caller as a known subscriber. Farris's limited class of service that is available in view of the problems in recognizing the caller as a known subscriber does not disclose responsive to said authenticated caller identity indicating a lack of identity, automatically initiating recording of said call, as claimed in the present application. Farris instead discloses the caller's central office limiting the services available to the caller when the caller's central office does not recognize the caller as a subscriber. Farris does not disclose automatically initiating recording of a call placed by a caller whose caller identity indicates a lack of identity, as claimed in the present application. Farris discloses recording a call when the callee's service verifies that a caller's speech *matches* a prohibited caller or when the site of the originating call is prohibited. (*See column 39, lines 8-67*). However, at no point in the reference does Farris disclose automatically recording a call when the caller's identity indicates a *lack of identity*. Because Farris does not disclose automatically initiating recording of a call in response to said authenticated caller identity indicating a lack of identity, Farris does not disclose the fourth element of claim 13. Because the proposed combination of Farris and Bajwa does not teach or suggest each and every element and limitation of Applicants' claims, the proposed combination of Farris and Bajwa does not establish a prima facie case of obviousness against Applicants' claims, and the rejections should be withdrawn.

**The Proposed Combination Of Farris And Bajwa  
Does Not Teach Or Suggest Each And Every  
Element Of Claim 31 Of The Present Application**

To establish a prima facie case of obviousness under 35 U.S.C. § 103 the reference must teach or suggest all of Applicants' claim limitations. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). Independent claim 31 recites:

31. A method for controlling caller identification, comprising:

receiving, from a trusted telephone network, an authenticated caller identity for a caller at a telephony device, wherein said caller identity is authenticated at a authentication service accessible via a network external to said trusted telephone network, wherein said trusted telephone network initiates said authentication service; and

controlling output of said authenticated caller identity from said telephony device, such that an individual with access to said telephony device is informed of the identity of said caller.

As explained in more detail below, the combination of Farris and Bajwa as proposed in the Office Action does not teach or suggest each and every element of claim 31 as claimed in the present application. Applicants therefore respectfully traverse each rejection individually and request that the rejections be withdrawn.

**The Proposed Combination Of Farris and Bajwa Does Not Teach Or Suggest Controlling Output Of Said Authenticated Caller Identity From Said Telephony Device, Such That An Individual With Access To Said Telephony Device Is Informed Of The Identity Of Said Caller**

The Office Action takes the position that Farris at column 21, line 36 – column 22, line 51, discloses the second element of claim 31: controlling output of said authenticated caller identity from said telephony device, such that an individual with access to said telephony device is informed of the identity of said caller. Applicants respectfully note in response, however, that what Farris at column 21, line 36 – column 22, line 51, in fact discloses is:

Specifically, the subscriber's serving central office 11.sub.1 generates an Initial Address Message (IAM) for transmission to the terminating central office 11.sub.1 (S181). The IAM message includes the SS7 destination point code (DPC) of the terminating central office 11.sub.N and the SS7 origination point code (OPC) of the customer's serving-end central office 11.sub.1, for addressing purposes. The payload portion of the IAM message includes the called and calling numbers. In accord with the invention, the originating end office 11.sub.1 reads name data from the

identified subscriber's profile, currently loaded in the assigned register, and places that data in additional field of the IAM message or in an accompanying information message addressed in the same manner as the IAM message. The originating central office transmits the IAM message and possibly an accompanying information message through the CCIS network to the distant terminating office 11.sub.N (step S181).

When the terminating office 11.sub.N receives the IAM message, the administrative module processor for that office retrieves the customer profile for the number in the destination number field of that message (e.g. the number for the telephone 1.sub.B) from its mass storage system and loads that profile into one of its call store registers. If the called party has an enhanced caller ID service, with name display, the terminating central office 11.sub.N would normally recognize the attempt to complete to that party's number message as a terminating attempt trigger (TAT) type point in call (PIC) to trigger access to the LIDB database for name information. However, in this embodiment of the invention, the terminating end office detects the receipt of the subscriber's name data with the IAM message, therefore the administrative module processor in that office overrides the trigger.

The terminating central office switching system 11.sub.N transmits an Address Complete Message (ACM) back to the central office 11.sub.1 and if the called line is available applies ringing signal to the called party's line (S182). The ACM includes a variety of information, including a calling party status indicator, e.g. line free or busy. If the line is not busy, the end office 13 rings the station Y corresponding to the dialed digits 703-333-5678, and generates the appropriate indicator in the Address Complete Message (ACM) to indicate that it received the request for a call and that the number is not busy. The ACM message is sent back by simply reversing the point codes from the IAM message. Now the destination point code (DPC) is the point code of the central office 11, and the origination point code (OPC) is the point code of the central office 13. In response to the ACM message, if the called line is available, the originating central office 11 applies a ringback tone signal to the line to the calling station 1.sub.A (S183).

As part of its operations to ring the called telephone station, the terminating central office 11.sub.N transmits a caller ID signal over the line. If the called party has ISDN service or the like, the switch sends a signaling message along with the ringing signal. If the called party has analog telephone service, the switch 11.sub.N transmits a caller ID message (step S184) as frequency shift keyed (FSK) data inserted in the silent interval between the first ringing signal (step S182) and the second ringing signal (S185) applied to the called party's line.



In accord with the invention, the caller ID message applied to the called party's line includes the telephone number associated with the calling station 1.sub.A and at least some additional data specific to the identified subscriber. If the called party has enhanced caller ID for displaying name data, the ISDN telephone or the caller ID terminal 5.sub.B receives the number and the name data received with the IAM message in step S181. The caller ID terminal 5.sub.B or a display device in the ISDN telephone displays the received number and name information, identifying the actual calling party, for review before the called party chooses to answer the call.

If the called party subscribes only to normal caller ID, the end office switch 11.sub.N can transmit only a limited amount of information. For this purpose, the switch will select and transmit one or two characters from the subscriber identification data along with the telephone number. For example, if four persons normally call from the particular originating telephone station or line, the data sent to the terminating central office 11.sub.N might include a letter or number identifying each subscriber. The switch 11.sub.N would transmit that letter or number with the telephone number in the caller ID message for display.

That is, Farris at column 21, line 36 – column 22, line 51, discloses the transmission of an Initial Address Message to the terminating central office and the called party's telephone. Farris's transmission of an Initial Address Message to the terminating central office and the called party's telephone does not disclose controlling output of said authenticated caller identity from said telephony device, such that an individual with access to said telephony device is informed of the identity of said caller, as claimed in the present application. Farris's called party is not an individual with access to said telephony device, as claimed in the present application. As claimed in the present application, an individual with access to said telephone device, is an individual with access to the telephone that the caller used. In contrast, Farris's called party has access to the called party's telephone – not, the telephone that the caller used. Because Farris's called party does not have access to the telephone that the caller used, Farris's called party is not an individual with access to said telephone device. Without disclosing an individual with access to said telephony device, Farris cannot disclose the second element of claim 31. Because the proposed combination of Farris and Bajwa does not teach or suggest each and every element and limitation of Applicants' claims, the proposed combination of

Farris and Bajwa does not establish a prima facie case of obviousness against Applicants' claims, and the rejections should be withdrawn.

**The Proposed Combination Of Farris And Bajwa  
Does Not Teach Or Suggest Each And Every  
Element Of Claim 32 Of The Present Application**

To establish a prima facie case of obviousness under 35 U.S.C. § 103 the reference must teach or suggest all of Applicants' claim limitations. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). Independent claim 32, as amended in the present application, recites:

32. A method for controlling a call, comprising:

receiving, at a telephony device, a secure communication channel via a trusted telephone network to an authentication service provided by an external server, wherein said trusted telephone network initiates said authentication service;

facilitating, from said telephony device, communications between said authentication service and a caller, such that said authentication service is enabled to authenticate an identity of said caller; and

responsive to an authenticated caller identity indicating a lack of identity, automatically initiating recording of said call.

As explained in more detail below, the combination of Farris and Bajwa as proposed in the Office Action does not teach or suggest each and every element of claim 32 of the present application, as amended in this Response. Applicants therefore respectfully traverse each rejection individually and request that the rejections be withdrawn.

**The Proposed Combination Of Farris and Bajwa Does  
Not Teach Or Suggest Responsive To An Authenticated  
Caller Identity Indicating A Lack Of Identity,  
Automatically Initiating Recording Of Said Call**

The Office Action takes the position that Farris at column 25, lines 5-32, discloses the third element of claim 32, as amended in this Response: responsive to said authenticated caller identity indicating a lack of identity, automatically initiating recording of said call. Applicants respectfully note in response, however, that what Farris at column 25, lines 5-32, in fact discloses is:

If provided, the message states that only a limited class of service is available in view of the problems in recognizing the caller as a known subscriber.

The IP 23 formulates a D-channel signaling message instructing the central office switch 11.sub.1 to process the call in accord with default conditions and transmits that instruction to the central office switch (step S21). The instruction could include a default OE number corresponding to a default profile, or the message could instruct the switch to proceed using the OE and profile data for the off-hook line itself. The IP 23 supplies the message to the SSP central office switch 11 over the D-channel of the ISDN PRI link (step S21). The administrative module processor 61 resumes call processing using the appropriate default OE and profile.

In the preferred embodiment, the switch provides a normal dial tone (S22), collects dialed digits from the caller (S23) and processes the call (S24). However, the default profile provides only some limited class of service, for example only emergency 911 service or 911 service plus flat rate local calling. The default call processing provides no additional information from the profile corresponding to any particular subscriber, therefore the network processes the call as a normal call for caller ID purposes. The caller ID service will provide only the telephone number to callers having normal caller ID, and the network will access LIDB database 21 to provide name information if any associated strictly with the telephone number, essentially in the manner that the network provides such services when there is no personalized dial tone service involved.

That is, Farris at column 25, lines 5-32, discloses a limited class of service that is available in view of the problems in recognizing the caller as a known subscriber. Farris's limited class of service that is available in view of the problems in recognizing

the caller as a know subscriber does not disclose responsive to said authenticated caller identity indicating a lack of identity, automatically initiating recording of said call, as claimed in the present application. Farris instead discloses the caller's central office limiting the services available to the caller when the caller's central office does not recognize the caller as a subscriber. Farris does not disclose automatically initiating recording of a call placed by a caller whose caller identity indicates a lack of identity, as claimed in the present application. Farris discloses recording a call when the callee's service verifies that a caller's speech *matches* a prohibited caller or when the site of the originating call is prohibited. (See *column 39, lines 8-67*). However, at no point in the reference does Farris disclose automatically recording a call when the caller's identity indicates a *lack of identity*, as claimed in the present application. Because Farris does not disclose automatically initiating recording of a call in response to said authenticated caller identity indicating a lack of identity, Farris does not disclose the third element of claim 32. Because the proposed combination of Farris and Bajwa does not teach or suggest each and every element and limitation of Applicants' claims, the proposed combination of Farris and Bajwa does not establish a prima facie case of obviousness against Applicants' claims, and the rejections should be withdrawn.

**Claim Rejection – 35 U.S.C. § 103  
Over Farris And Bajwa In View Of Rozenblit**

Claims 15-16, 21-22, and 27-28 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Farris in view of Bajwa and further in view of Rozenblit (U.S. Patent 5,832,072). To reject Applicants' claims for obviousness under 35 U.S.C. § 103(a), the Office Action must demonstrate a prima facie case of obviousness. *In re Khan*, 441 F.3d 977, 985-86 (Fed. Cir. 2006). To establish a prima facie case of obviousness, the proposed combination of the references must teach or suggest all of Applicants' claim limitations. *Manual of Patent Examining Procedure* § 2142 (citing *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974)). The Office Action relies on the previous 35 U.S.C. § 103 rejection of independent claim 13, 19, and 25 to reject dependent claims 15-16, 21-22, and 27-28. Regarding the previous 35 U.S.C. § 103 rejection above, Applicants have demonstrated that the proposed combination of Farris and Bajwa does not teach or

suggest each and every element of independent claims 13, 19, and 25. Dependent claims 15-16, 21-22, and 27-28 depend from independent claims 13, 19, and 25, respectively, and includes all of the limitations of the claim from which it depends. Because the proposed combination of Farris, Bajwa, and Rozenblit relies on the argument that the proposed combination of Farris and Bajwa teaches or suggests each and every element of claims 13, 19, and 25, and because the proposed combination of Farris and Bajwa does not teach or suggest each and every element of claims 13, 19, and 25, the proposed combination of Farris, Bajwa, and Rozenblit cannot teach or suggest all the claim limitations of claims 15-16, 21-22, and 27-28. The proposed combination of Farris, Bajwa and Rozenblit, therefore, cannot establish a prima facie case of obviousness, and the rejection should be withdrawn.

**The Office Action Does Not Examine  
Applicants' Claims Pursuant To *Graham***

In addition to the fact that the Office Action has not established a prima facie of obviousness there is another reason that the rejection of claims 1-32 should be withdrawn: The Office Action does not examine Applicants' claims in light of the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). As mentioned above, the question of whether Applicants' claims are obvious *vel non* is to be examined in light of the pertinent *Graham* factors: (1) the scope and content of the prior art, (2) the differences between the claimed invention and the prior art, and (3) the level of ordinary skill in the art *KSR Int'l Co. v. Teleflex Inc.*, No. 04-1350, slip op. at 2 (U.S. April 30, 2007); *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). "To facilitate review, this analysis should be made explicit." *KSR*, slip op. at 14 (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)). That is, the Office Action must make explicit an analysis of the factual inquiries required by *Graham*.

In particular in this case, the Examiner has not ascertained the differences between the prior art and the claims in issue. In the office action, the Examiner has only identified elements in Applicants' claims not found in one reference and then attempted to find a similar element in another to support an obviousness rejection. Such analysis is improper

and incomplete. "Ascertaining the differences between the prior art and the claims at issue requires interpreting the claim language, and considering both the invention and the prior art references as a whole." MPEP §2141.02. Furthermore, "[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." *Id.*, citing *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530 (Fed. Cir. 1983). The office action in the present case is a deficient basis for obviousness rejections because the Examiner has only identified differences between certain elements of Applicants' claims and the references. This analysis is improper and incomplete because the Examiner has not determined whether the Applicants' claims as a whole would have been obvious in view of the combinations of references cited and why the claims as a whole would have been obvious over the references.

In addition, the Examiner has not resolved the level of ordinary skill in the pertinent art. "The importance of resolving the level of ordinary skill in the art lies in the necessity of maintaining objectivity in the obviousness inquiry." MPEP §2141.03 citing *Ryko Mfg. Co. v. Nu-Star, Inc.*, 950 F.2d 714, 718, 21 USPQ2d 1053, 1057 (Fed. Cir. 1991). "The examiner must ascertain what would have been obvious to one of ordinary skill in the art at the time the invention was made, and not to the inventor, a judge, a layman, those skilled in remote arts, or to geniuses in the art at hand." *Id.* citing *Environmental Designs, Ltd. v. Union Oil Co.*, 713 F.2d 693, 218 USPQ 865 (Fed. Cir. 1983), cert. denied, 464 U.S. 1043 (1984). "Factors that may be considered in determining level of ordinary skill in the art include (1) the educational level of the inventor; (2) type of problems encountered in the art; (3) prior art solutions to those problems; (4) rapidity with which innovations are made; (5) sophistication of the technology; and (6) educational level of active workers in the field." *Id.* citing *Environmental Designs, Ltd. v. Union Oil Co.*, 713 F.2d 693, 696, 218 USPQ 865, 868 (Fed. Cir. 1983), cert. denied, 464 U.S. 1043 (1984). The office actions in the present case fail to apply a single factor used to determine the level of ordinary skill in the art.

In conclusion, as a practical matter, the Examiner in this case has made no substantive mention whatsoever of the factual inquiries required by *Graham*. As such, the rejections of claims 1-32 under 35 U.S.C. § 103 are improper and should be withdrawn.

### **Relations Among Claims**

Independent claims 7 and 12 are system and computer program product claims, respectively, for specifying telephone services for a particular caller corresponding to independent method claim 1. Independent claims 19 and 25 are system and computer program product claims for informing a callee of a caller identity corresponding to independent method claim 13. Claims 1 and 13 are allowable for the reasons set forth above. Claims 7, 12, 19, and 25 are allowable for the same reasons that claims 1 and 13 are allowable. The rejections of claims 7, 12, 19, and 25 therefore should be withdrawn, and claims 7, 12, 19, and 25 should be allowed.

Claims 2-6, 8-11, 14-18, 20-24, 26-30 depend respectively from independent claims 1, 7, 13, 19, and 25. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because the combination of Farris and Bajwa does not teach or suggest each and every element of the independent claims, so also Farris and Bajwa cannot possibly teach or suggest each and every element of any dependent claims. The rejections of claims 2-6, 8-11, 17-18, 20, 23-24, 26, and 29-30 therefore should be withdrawn, and these claims also should be allowed. Applicants respectfully request reconsideration of claims 2-6, 8-11, 17-18, 20, 23-24, 26, and 29-30.

### **Conclusion**

Claims 1-4, 6-10, 12, and 31-32 stand rejected under 35 U.S.C. § 102 as being anticipated by Harris. For the reasons set forth above, Harris does not disclose each and every element of Applicants' claims. Harris therefore does not anticipate Applicants' claims. Claim 1-4, 6-10, 12, and 31-32 are therefore patentable and should be allowed.

Applicants respectfully traverse each rejection individually and request reconsideration of claims 1-4, 6-10, 12, and 31-32.

Claims 1-3, 7-9, and 12 stand rejected under 35 U.S.C. § 102 as being anticipated by Juitt. For the reasons set forth above, Juitt does not disclose each and every element of Applicants' claims. Juitt therefore does not anticipate Applicants' claims. Claim 1-3, 7-9, and 12 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 1-3, 7-9, and 12.

Claims 1-3, 7-9, and 12 stand rejected under 35 U.S.C. § 102 as being anticipated by Bajwa. For the reasons set forth above, Bajwa does not disclose each and every element of Applicants' claims. Bajwa therefore does not anticipate Applicants' claims. Claim 1-3, 7-9, and 12 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 1-3, 7-9, and 12.

Claims 1-14, 17-20, 23-26, and 29-32 stand rejected for obviousness under 35 U.S.C. § 103 as being unpatentable over Farris in view of Bajwa. For the reasons set forth above, however, the proposed modification of Farris and Bajwa fails to establish a prima facie case of obviousness. The rejection of claims 1-14, 17-20, 23-26, and 29-32 should therefore be withdrawn, and the claims should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 1-14, 17-20, 23-26, and 29-32.

Claims 15-16, 21-22, and 27-28 stand rejected for obviousness under 35 U.S.C. § 103 as being unpatentable over Farris in view of Bajwa, and further in view of Rozenblit. For the reasons set forth above, however, the proposed modification of Farris, Bajwa, and Rozenblit fails to establish a prima facie case of obviousness. The rejection of claim 15-16, 21-22, and 27-28 should therefore be withdrawn, and the claim should be allowed.



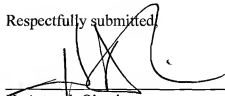
Applicants respectfully traverse each rejection individually and request reconsideration of claims 15-16, 21-22, and 27-28.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Date: March 18, 2008

By:

Respectfully submitted,



H. Artoush Ohanian  
Reg. No. 46,022  
Biggers & Ohanian, LLP  
P.O. Box 1469  
Austin, Texas 78767-1469  
Tel. (512) 472-9881  
Fax (512) 472-9887  
ATTORNEY FOR APPLICANTS